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Testimony from:

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In SUPPORT of House Bills 4980, 4981, 4982, 4983, 4984, 4985,  
collectively known as the “Clean Slate” package

October 8, 2019

House Judiciary Committee

Chairman Filler and Members of the Committee:

My name is Jesse Kelley, and I am the Government Affairs and Criminal Justice & Civil Liberties Manager for the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, specifically including the reentry process and how it can be improved by criminal justice reform. This group of bills is of special interest to us.

In Michigan alone, some 500,000 individuals have a criminal record, making it more difficult for them to find housing and earn an honest living.

Expanding the availability of expungement will help alleviate the effects of damning criminal records, and Michigan is ripe for this type of “Clean Slate” initiative. Changing, expanding and automating expungement statutes will not just empower those with records to take control of their lives—it will have the potential to reduce crime and promote public safety.

#### **Current expungement statutes are costly, ineffective and unused**

Currently, the expungement process is limited to people who have committed no more than one felony and two misdemeanors during their lifetime. Those who qualify face a burdensome application process. To have a record expunged, applicants must pay \$50 to the Michigan State Police, request an FBI background check, give notice to both the state attorney general and their local prosecutor of their intent to have their record expunged, provide a certified copy of their record, have their fingerprints taken and pay any costs assigned by the county clerks’ offices.

Though \$50 may seem like a small price to pay for a clean slate, those with felony records typically have low incomes, and many of them are forced to weigh paying the fees associated with expungement against buying groceries or paying rent. Obviously, their priorities will likely shift to their immediate needs. Indeed, of those who

are currently eligible for expungement, an estimated 95 percent do not apply. Even when individuals have the means to pay for an expungement, it is an incredibly cumbersome and arcane process.<sup>1</sup> By automating this process, the legislature can help streamline successful reentry for returning citizens.

### **Automated expungement is the best next step forward**

This Clean Slate legislation will make the expungement process easier for those individuals who already qualify under the law. Indeed, it makes expungements for certain records automatic after 10 years.<sup>2</sup>

A key benefit of this kind of legislation is that it enhances public safety because expungements can reduce recidivism rates. The stigma surrounding those with criminal histories often seeps into employers' hiring decisions as they opt to hire candidates without criminal histories. Even an old driving record might impede employment. One of the bills in this package—HB 4981—makes most traffic offenses eligible for expungement. Passing this piece of expungement will help a large number of residents reclaim a clean driving record.

The current law also limits expungement to those who've committed one felony and two misdemeanors and leaves out many individuals who have had only one bad night (but more resulting charges). HB 4985 allows multiple convictions for certain offenses that happened during "one bad night" to become eligible for expungement as a single offense.

All four of the bills in the package improve public safety. When a returning citizen can't find stable employment, it can increase their chances of reoffending. This means that employment discrimination against those with criminal histories puts communities at risk. What's more, according to a University of Michigan study, expungement improves the lives of justice-involved persons. In fact, it increases an individual's chances of employment by around 7 percentage points and their average wages rise about 22 percent.<sup>3</sup>

### **Helping the greatest number of people possible**

In the interest of both public safety and economic gain, Michigan should seize this opportunity to make its expungement process easier for those with records. For these reasons this committee should consider and move forward with all of the bills included in the "Clean Slate" legislative package.

Thank you for your time and consideration.

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<sup>1</sup> "Proposals to Reform the Expungement Process." Safe & Just Michigan. Nov. 1, 2018.

<https://www.safeandjustmi.org/2018/11/01/proposals-to-reform-the-expungement-process/>

<sup>2</sup> House Bill 4980 specifies that the ten-year metric begins from whichever of the following events occurs last: imposition of the sentence, completion of probation, discharge from parole or completion of any term of imprisonment.

<sup>3</sup> "Michigan set-asides found to increase wages and reduce recidivism." Collateral Consequences Resource Center. Feb. 27, 2018. <http://ccresourcecenter.org/2018/02/27/michigan-set-asides-found-to-increase-wages-and-reduce-recidivism/>